

**DEFENSE LOGISTICS AGENCY**  
***Inter-Office***

***Memorandum***

30 Sep 96

*IN REPLY*

*REFER TO* AQAA

SUBJECT: DAR Council Activity Report, 25 Sep 96

TO: AQAC-R, AQO, AQOD, AQOE, AQOF, AQOK, DDAS, MMPP, MMPOA,  
MMPPB, MMPPP, MMPRS, GC (R. Burton/G. Sisson)

**FAR/DFARS** cases discussed:

96-D018	<b>Offset Arrangements:</b> Revise language on offset policy. Delete outdated policy and limit DFARS offset coverage to a straight-forward statement of presidential policy.	Agreed to final rule.
93-603	<b>Performance Incentives for Fixed-Price Contracts:</b> Revise FAR to provide application of award fees in fixed-price contracts.	Agreed to revised final rule, with minor edits. Attempted to address MMPPP issues.
95-301	<b>Irrevocable Letters of Credit (ILC):</b> Implement section 4104(b) of P.L. 103-335 and OFPP Policy Letter 91-4. Revise FAR to provide alternative payment protections for construction contracts between \$25,000 and \$100,000 and use of ILCs as security for Miller Act bonds.	Agreed to final rule.
95-306	<b>Collection of Historically Black Colleges and Universities/ Minority Institutions Award Data:</b> Revise FAR Part 52 to include a representation for historically black colleges and universities (HBCUs) and minority institutions (MIs).	Agreed to final rule.
96-321	<b>Modifications Without Consideration:</b> Implements subsections 4402(d) and (e) of the Federal Acquisition Reform Act (FARA). Authorizes, but does not require, contracting officers, if requested by the contractor, to modify existing contracts without consideration, to incorporate changes authorized by the Act. (NOTE: FASA had same incorporation at FAR 43.102.)	Agreed to interim rule.

Encl

STEPHEN J. HERLIHY  
Staff Director  
Acquisition Office

**NOTE 1:** On 18 Sep 96, the DAR Council met to turn in reports due and receive new cases. Since no cases were scheduled for discussion that day, the weekly activity report was not published.

**NOTE 2:** DAC 91-11 was published 26 Sep 96.

**NOTE 3:** The public meeting on FAR case 96-312, Certification Requirements, previously scheduled for 09 Oct, has been rescheduled for 29 Oct 96.

**NOTE 4:** The public meeting on FAR case 95-029, Part 15 Rewrite - Phase I, previously scheduled for 17 Oct, has been tentatively rescheduled for 08 Nov 96.

**NOTE 5:** The public meeting on FAR case 95-013, Part 45 Rewrite, has been scheduled for 03-04 Nov 96 at the EPA auditorium.